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## FISCAL IMPACT REPORT

SPONSOR SPAC DATE TYPED 2/21/2005 HB \_\_\_\_\_

SHORT TITLE Cultural Needs for Indian Child Placement SB 214/SPACS

ANALYST Dunbar

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
	NFI				

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates HB 223

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Children Youth and Families Department (CYFD)  
Department of Indian Affairs (DIA)

### SUMMARY

#### Synopsis of Bill

Senate Public Affairs Committee Substitute for Senate Bill 214 enacts a new section of the Children's Code (NMSA 32-A) to require consideration of the cultural needs of Indian children when making an out of home placement.

The bill requires the interagency behavioral health purchasing collaborative and its contractors to make reasonable efforts to place an Indian child removed from his or her home for medical necessity, into a licensed residential treatment center, group home or treatment foster care home that provides culturally competent care and access to appropriate cultural practices, including traditional treatment.

#### Significant Issues

The bill requires CYFD to consult with the child's tribe to identify culturally appropriate prac-

tices and traditional treatment.

DIA notes the removal and placement of an Indian child into a non-Indian and culturally inappropriate environment threatens the survival of tribal communities at their core. The placement of an Indian child must consider the unique perspective and worldview that the child has learned from his or her tribal community. The child's tribal community should be consulted and allowed to actively participate in determining the best placement for the Indian child, especially if the child is being placed in a facility for medical reasons.

Additionally DIA states that SB 214 would help promote the spiritual, emotional, mental and physical well-being of NM Indian families and require placement to be consistent with Indian culture and values. With such a provision in place, the traditional cultural strengths and spiritual foundations will greatly contribute to revitalizing and preserving functional Indian families and communities, thus preventing or remedying the potential social problems inherent in placing Indian children in culturally inappropriate environments.

### **ADMINISTRATIVE IMPLICATIONS**

Additional supervision of placement decisions will be required to assure that the child's Indian cultural needs are addressed.

### **DUPLICATION**

Duplicates HB223.

### **OTHER SUBSTANTIVE ISSUES**

The bill requires the coordination of culturally competent care and access to appropriate cultural practices, including traditional treatment, as determined in consultation with the child's tribe in cases where the out of home placement is medically necessary. The bill does not define what is meant by medically necessary, or what is meant by culturally competent care and access.

**BD/lg:yr**